

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRADLEY DAVID KNOX,

Petitioner,

v.

DANIEL W WHITE,

Respondent.

Case No. C21-05272-RSM-BAT

ORDER RESPONDING TO NINTH
CIRCUIT'S REQUEST FOR ISSUES FOR
CERTIFICATE OF APPEALABILITY

This matter comes before the Court on the Ninth Circuit's March 7, 2023, request for additional information:

The district court has issued a certificate of appealability, but has not stated which issue(s) satisfy the standards set forth in 28 U.S.C. § 2253(c)(2). This case is remanded to the district court for the limited purpose of issuing a modified certificate of appealability at the court's earliest convenience. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997). In the modified certificate of appealability, the court should specify the issues that meet the required showing. *See* 28 U.S.C. § 2253(c)(3); *Asrar*, 116 F.3d at 1270.

Dkt. #33.

28 U.S.C. § 2253(c) states, in part, "[a] certificate of appealability may issue [in a case such as this] only if the applicant has made a substantial showing of the denial of a constitutional right," and "[t]he certificate of appealability... shall indicate which specific issue

1 or issues satisfy [this] showing..." A prisoner satisfies this standard "by demonstrating that
2 jurists of reason could disagree with the district court's resolution of his constitutional claims or
3 that jurists could conclude the issues presented are adequate to deserve encouragement to
4 proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

5 The Court hereby modifies its certificate of ability with the addition of the following
6 sentence: Specifically, jurists of reason could disagree with the district court's resolution of the
7 constitutional claims in Petitioner's first and eighth claims.
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9 IT IS SO ORDERED.

10 DATED this 8th day of March, 2023.

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14 RICARDO S. MARTINEZ
15 UNITED STATES DISTRICT JUDGE
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